Pending: cases in High Courts

*86. SHRI T. R. BALU:

SHRI V. GOPALSAMY:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) how many cases are pending for disposal in each High Court of the country category-wise and also grant total thereof as on date;

, (b) how many, among these cases are more than three years, five years and ten years old;

(c) how many vacancies of judges are there to be filled up, indicating the date *on* which each of these vacancies have arisen and whether there is any vacancy of Chief Justice in any court;

(d) how, many vacancies were filled up, indicating the date on which they were filled up and also date *on* which they had arisen, during the last three years;

(e) how many additional posts have been created during the last three years in each High Court; and

(f) what steps are being taken by Government to dispose of all these matters expeditiously?

THE MINISTER OF LAW AND JUSTICE (SHRI ASOKE KUMAR SEN): (a) and (b) As per information received from the registries of High Courts, a statement indicating the position is laid on the Table of the House. [See Appendix CXL, Annexure No. 22].

(c) A statement containing the in formation is laid on the Table of the House. *(See* Appendix CXL, Annexure No. 23]

(d) The requisite information would be laid on the Table of the House after consulting the High Courts regarding the actual datesi on which these vacancies have been filled.

(e) A statement containing the in-formation is laid on the Table of the House (Statement I). *(See* below).

(f) A statement indicating the steps taken to reduce pendency in High Courts is laid on the Table of the House (Statement II). *(. See* below).

Statement—I

***Additional Posts created in the High Courts during the years* 1983, 1984 *and* 1985**

Name of the High Court	Posts created in		
	1983	1984	1985
1. Allahabad	—	—	—
2. Andhra Pradesh	—	—	—
3. Bombay	—	—	—
4. Calcutta	—	—	—
5. Delhi	—	—	—
6. Gauhati	—	—	—

	Name of the High Court	Posts created in		
		1983	1984	1985
7	Gujarat	3	—	—
8	Himachal Pradesh	—	1	—
9	Jammu and Kashmir	—	—	—
10	Karnataka	—	—	—
11	Kerala	—	—	—
12	Madhya Pradesh	—	—	—
13	Madras	—	—	—
14	Orissa	2	1	—
15	Patna	—	—	—
16	Punjab and Haryana	—	—	—
17	Rajasthan	—	—	4
18	Sikkim	—	1	—
	TOTAL	5	3	4

Statement-II

Steps taken from time to time to reduce pendency

The following steps have been taken in recent years to reduce pen--dency in the High Courts: —

1. Elimination of arreas in all the Courts has been discussed in the Conference of Chief Justices, Chief Ministers and Law Ministers of States held on 31st August—1st September 1985 and the Resolutions of the Confernce have been commended to the High Courts and the State Governments.

2. The Code of Civil Procedure was amended in 1976 to abolish Letters Patent Appeals from judgment of Single Judge of the High Court in Second Appeal (Vide Section 100-A).

3. The Code of Criminal Procedure based on the recommenda- tions of the Law Commission was ! enacted in 1973.

4. The Sanctioned strength of the High Court Judges has been increased from 351 in March 1977 to 434 as on 1st November 1936.

5. Apart from the above, certain High Courts are taking the lollow-ing steps for ensuring better disposal of cases: —

(a) Cases involving common questions are being grouped by several High Courts;

(b) Matters fixed for hearing by giving short returnable dates;

(c) Dispensing with printing ot records;

(d) Expediting and giving priority to matters under certain Acts.

8. The recommendations contained in the 79th Report of the Law Commission have been examined. As action on majority of the recom-

mendations is to be taken by the State Governments and the High Courts, these have been sent to them alongwith the views of the Union Government and they have been requested to take necessary action.

7. The Government have entrusted the Law Commission the study of the Judicial system to introduce necessary reforms. The terras of reference are: —

(a) the need for decentralisa tion of the system of administra tion of justice by:

(i) establishing, extending and strengthening in rural areas the institution of Nyaya Pan. chayats or ether mechanisms iter resolving disputes;

(ii) setting up a system of participatory justice with defined jurisdiction and powers in suitable areas and centres;

(iii) establishing other tier.; or systems within the judicial hierarchy to reduce the volume of work in the Supreme Court and the High Courts.

(b) the matters for which Tri bunals (excluding Services Tri bunals) as envisaged in Part-XTV~A of the Constitution need to be established expeditiously and various aspects related to their establishment and working.

(c) the procedural laws with a 'view generally to disposing of cases expeditiously, eliminating unnecessary litigation^ delays in hearing of cases and reforms in procedures and procedural, laws and particularly to devising procedures appropriate to the forums envisaged in items (a) (i) and (a) (ii).

(d) the method of appoint-ments to subordinate courts, subordinate judiciary.

(e) the training of Judicial Officers.

(f) the role of the legal pro fession in strengthening the sys tem of *administration of justice-*

(g) the desirability of formulation of the norms which the Government and the Public Sector Undertakings should follow in the settlement of disputes including a review of the present system for conduct of litigation on behalf of the Government and such Undertakings.

(h) the cost of litigation with a view to lessening the burden on the litigants.

(i) formation of an All India Judicial Service; and

(j) such other matters as[1] the Commission considers proper or necessary for the purposes aforesaid or as may be referred to it from time to time by the Government.

Bodhghat Hydel Project

•87. SHRI SHARAD YADAV:
SHRI MAHENDRA PRASAD.

Will the Minister of ENERGY be pleased to state:

(a) whether it is a fact that the Madhya Pradesh Government proposes to go ahead with the Bodhghat Hydel Project despite the fact that the Department of Environment has categorically turned down the project as ecologically not feasible, and that the power potential likely to be created is not worth the loss of about 30, 000 hectares of prime forest land with some 50 lakh trees in Bastar region; and

(b) if so, what are the reasons for the economically unviable project being taken up by the Government of Madhya Pradesh at an enormous lose